



3738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Benjamin Spenser, et al. : Group Art Unit: 3738
Serial No.: 09/975,750 : Examiner: W. H. Matthews
Filed: October 11, 2001 : Confirmation No.: 9407
For: **IMPLANTABLE PROSTHETIC VALVE**

November 3, 2003

Mail Stop:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECHNOLOGY CENTER R3700

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RESPONSE

S I R:

In response to a restriction requirement dated October 3, 2003, Applicants hereby elect, with traverse, the claims of Group I, namely Claims 1 to 36. Since searching for each of the Groups will necessarily be substantially co-extensive, Applicants believe that the restriction requirement should be withdrawn and the Groups should be examined together. Also, Applicants respectfully disagree with some of the Examiner's comments on page 2. The product claimed in Group I can not be used in a materially different process. In addition, the valve product as described and claimed could not be used in open heart surgery without use of a balloon catheter. — *adapted to be compared.*

Applicants elect the following species: I - Figure 1; II - Figure 9a; or III - Figures 14a - 14e. Claims 1 to 36 are believed readable thereon.

Respectfully submitted


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